

Applicant: Kevin L. Parsons
Application No.: 10/614,583
Filed: 07/07/2003
Date: April 5, 2006
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REMARKS

Certain claims have been amended to more clearly claim the invention. In particular, all of the claims now affirmatively recite a

"flashlight component that is separate and distinct from the LED and that defines at least a portion of an exterior surface of the flashlight, the flashlight component being formed from a translucent material."

Exemplary support for this claim feature is found, for example, at page 9 of 39 of the specification which states that a "flashlight may be provided with a translucent housing."

The currently pending claims should be found to be patentable over the Lennon patent referred to in the Office Action because, for example, the Lennon patent *does not* teach or suggest the above-referenced "translucent" claim feature for a number of different reasons, including the following.

- First, Lennon contains no disclosure whatsoever as to the type of material that housing 11 is formed from, or whether the floatable material 39 disposed in the internal chamber 38 of housing 11 is visible to a user through housing 11.
- Second, the issue of whether or not the "floatable materials" recited at column 2, lines 44-46 of Lennon can be translucent is irrelevant because, for example, such materials are contained in an internal chamber and, therefore, do not form part of an exterior surface of a flashlight as claimed in claim 78.
- Third, even if it is assumed, for the sake of argument, that the floatable materials in the interior chamber form a part of the product's exterior surface, Lennon contains no disclosure whatsoever that the various "floatable materials" can be "translucent."

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For these reasons, for example, the currently pending claims should be found to be patentable over the Lennon patent.

During a telephone interview that took place on April 4, 2006, the Examiner referred to US Patent No. 5,685,630 to Herman. Assuming, for the sake of argument, that it is proper to combine the Herman patent with the Lennon patent (which it is not), the resulting combination does not teach or suggest the claimed invention for a number of reasons, including the following. Neither Lennon nor Herman teach or suggest the claimed "flashlight component" because, for example, Lennon discloses a "floating key finder" (not a flashlight) and Herman discloses a "lighting device" for use in enclosed spaces like cabinets (also not a flashlight). For this reason alone, the currently pending claims should be found to be patentable over a purported combination of the Lennon and Herman patents.

In any event, it is respectfully submitted that one of ordinary skill in the relevant art *would not* combine the Herman and Lennon patents together for a number of different reasons, including the following. As a first example, it is not proper to combine the two patents together because, for example, they relate to different subject matter - Herman discloses a *lighting device* for use in enclosed areas (e.g., closets and cabinets) and Lennon discloses a *floating key finder*, both of which are not flashlights. As a second example, it is not proper to combine Herman with Lennon for at least the additional reason that Herman does not disclose the use of, for example, light emitting diodes that are located at a distal portion of a flashlight.

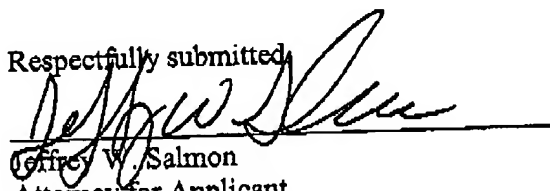
It is respectfully submitted that, if the Examiner were to make a rejection by combining Herman with Lennon, the Examiner would be improperly relying on the teachings contained in the above-captioned application to make the purported combination. Doing so, therefore, would

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be improper hindsight reconstruction of the claimed invention, which is not a proper basis for rejection of claims.

It is respectfully submitted that the currently pending claims are in condition for allowance and, therefore, a formal notice to that effect is earnestly solicited. In this regard, the Examiner is respectfully requested to contact the undersigned attorney upon entry of this amendment if he believes that a telephone conference would help to expedite the prosecution of this application.

Respectfully submitted,


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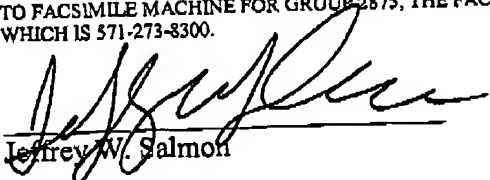
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Jeffrey W. Salmon

4/5/06

April 5, 2006
DATE